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No. 100

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER of Florida).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

June 22, 2016.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

PAUL D. RYAN,

Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2016, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

PROTECT CONSTITUTIONAL PRIVILEGES OF DUE PROCESS AND THE SECOND AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. JOLLY) for 5 minutes.

Mr. JOLLY. Mr. Speaker, since the tragedy the Nation witnessed in Orlando about 10 days ago—a tragedy that struck at the heart of the American people, that struck at the heart of the LGBT community—we have a Nation that feels less secure, a Nation looking to Congress for answers regarding our national security posture, the policies of this administration's, of this

Congress and answers, also legitimately, about how to protect our communities while also protecting the constitutional privileges of due process and the Second Amendment. They are very legitimate questions we cannot turn a deaf ear to. We answer to the American people. They entrust us to serve.

I was in Florida on the weekend of the attacks. When I left Florida to fly up here, I left a State, a community, that was united in grieving, united in mourning, united in its resolve to do something about it. I arrived at an institution as divided as ever.

It is not constructive to shout “shame” to your colleagues. It is not constructive to suggest that one side of the aisle is complicit in mass attacks on our Nation simply because some of us have had grave concerns about a proposal that, for 2 years, has been offered that we believe is flawed in recognizing constitutional protections; but it is also not acceptable to embrace inaction, and that is true on my side of the aisle as well.

I have voted against the Democratic proposal in committee for a couple of years. Here is why—and this is important for the American people to understand. If you are on a watch list, you should not be able to buy a gun; but if you are wrongfully on that list and if you are a law-abiding American citizen, your constitutional protections should be provided for.

You see, when an individual today is not allowed to purchase a firearm—the seven, eight, nine classes of individuals—they are all post adjudication. They have received a due process hearing and have been either convicted of a violent felony, have been adjudicated through a court of mental incompetence, or have been dishonorably discharged. In each case, there has been due process. Post adjudication is when the ban has been implemented.

The proposal on the left says there is no due process. If you are on the watch

list, you are banned. I think that is wrong, but let's lead on our side of the aisle. Let's lead as a body and figure this out together.

Last week, I circulated a proposal. I didn't introduce it last week. I circulated it. I said to all of my colleagues: Help me make this better.

So last night, with some changes, based on input from my colleagues, I introduced H.R. 5544. It makes changes. It accepts the proposal of no fly, no buy. It is common sense. If you are on a watch list, you shouldn't be able to purchase a firearm; but under my legislation, if you are denied, you must be notified not at the point of sale, but within 10 days by the government that you were denied because you are on a watch list. You are then entitled to a due process hearing within 30 days by a judge, not by a political appointee within the Department of Justice.

The government must then demonstrate by a preponderance of the evidence—a 51–49 burden—why you should be prohibited. If they can do that, you are prohibited. If they cannot satisfy that burden, your Second Amendment rights remain intact. Importantly, the individual is entitled to all unclassified information against him. The hearing is private so as to protect the privacy of the individual and the interests of government.

As a result of circulating it, I have also added a provision by a colleague of mine in the Senate that, if a terror investigation has been closed and someone has been removed from the watch list and he later goes to purchase a firearm, the FBI should be notified. I think that is reasonable. That is H.R. 5544.

I ask for your consideration. I ask for you to help make it better. The terror strike in Orlando struck at the heart of America. Yes, it struck in the name of ISIS—a terrorist who proclaimed he was doing it in the name of radical Islam. Those were his words. It also

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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